

Ordinance No. 513

An Ordinance to amend Section 230-37 of the City Code to add a new subsection L prohibiting certain signage and other obstructions in public rights-of-way.

WHEREAS, the City of New Castle (hereinafter referred to as “the City”) owns and maintains various rights of way for vehicular and pedestrian traffic within the boundaries of the City;

WHEREAS, the primary purpose of these rights of way must always be for the safe use of the traveling public and the City’s residents and visitors; and

WHEREAS, on occasion, non-official interests have assumed that they are entitled to free use of locations on these rights-of-way for their purposes, regardless of the risks their activities may present to others; and

WHEREAS, this use of rights-of-way for commercial or other non-official purposes has led to such activities as the placement of signs, and other obstructions on the rights-of-way, without regard to safety or the legal obligation not to trespass on the property of others; and

NOW, THEREFORE, be it ordained by the Council of the City of New Castle, that sections 230-37 of the City Code shall be amended to add a new subsection L which shall read, in its entirety, as follows:

SECTION 1:

Section 230-37. Signs

L. Regulation of signs along streets and highways.

No person shall paint or attach signs or other obstructions to any utility pole without exception. No person shall paint or attach signs or other obstructions to any street light poles, tree, fence, post, rock, structure or the ground in public rights of ways controlled by the City, except as follows:

- (a) Any sign installed by the City or the State of Delaware.
- (b) Accessory signs permitted under the City’s zoning and building codes, subject to the approval of the City Administrator or Code Official where applicable.
- (c) Signs denoting the time and place of meetings of civic organizations, subject to the approval of the City Administrator.
- (d) Temporary political, educational, charitable, civic, religious, or non-advertising directional signs. All such signs shall be removed by the person, institution, or

organization that installed them as soon as their purpose is accomplished, and in case of political signs erected in connection with a pending election, removed within thirty (30) days following the election.

- (e) Temporary signs no larger than four square feet in size advertising yard sales, open houses or house for sale. All such signs shall be removed by the person, institution, or organization that installed them as soon as their purpose is accomplished.

The violation of any of the provisions of this section 230-37 L shall be unlawful and shall subject such violator to a fine not exceeding \$500.00. Each day such violation shall continue shall constitute a separate offense.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

SECTION 3. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 4. This Ordinance shall become effective immediately upon passage.

First Reading: December 12, 2017

Second Reading: January 9, 2018

Signed this _____ day of _____, 20____

Linda Ratchford, President of Council

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

Brian Whittaker, City Clerk

Approved this _____ day of _____, 2018